



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

JAMES MUHAMMAD,  
also known as Ahmad Muhammad-Ali,  
Petitioner,

vs.

CORRECT CARE SOLUTIONS and  
CHIEF MCCLEAVE,  
Respondent.

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CIVIL ACTION NO. 1:15–4513-MGL

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ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING PETITIONER’S PETITION WITHOUT PREJUDICE

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This case was filed as a 28 U.S.C. § 2241 action. Petitioner is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the case be dismissed without prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on November 16, 2015, and the Clerk of Court entered Petitioner's objection to the Report on December 7, 2015. The Court has reviewed the objection, but finds it to be without merit. Therefore, it will enter judgment accordingly.

Verbatim, Petitioner maintains the following:

This is an objection to order to dismiss my habeas corpus claim due to my filing of pending charges, that, I have found out are no longer pending and the probate judge left it to correct, Care Solutions, and Department, of Mental Health to release me so my claim still stand as filed and for the records the letter that I received on today's date was sent out on November 24th Tuesday is I am also filing for a continuous [sic] I sincerely remain James Muhammad.

Objections 1. Of course, Petitioner's submission contains no specific objection to the Report at all. Therefore, the Court will overrule the objection in its entirety.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Petitioner's objection, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that the case is **DISMISSED WITHOUT PREJUDICE**.

To the extent that Petitioner requests a certificate of appealability from this Court, that certificate is **DENIED**.

**IT IS SO ORDERED.**

Signed this 18th day of December, 2015, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.